

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
DELTA DIVISION**

JOHN D. ROSS
ADC #158910

PLAINTIFF

v.

2:20-cv-00235-KGB-JJV

GREG REHCIGL,
Health Services Administrator, EARU; *et al.*

DEFENDANTS

ORDER

Plaintiff, John Ross, filed a Motion for recusal (Doc. No. 151) whereby he questions my impartiality. In support, Mr. Ross makes arguments disagreeing with decisions I have made in his cause of action. (*Id.*)

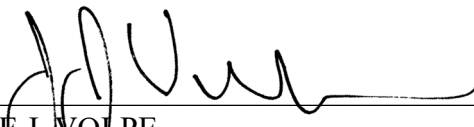
A judge is required to "disqualify himself in any proceeding in which his impartiality might reasonably be questioned." 28 U.S.C. § 455(a). Congress amended this law "to clarify and broaden the grounds for judicial disqualification and to conform with the recently adopted [American Bar Association] Code of Judicial Conduct, Canon 3C (1974)." *Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847, 858 n.7 (1988). "The question is 'whether the judge's impartiality might reasonably be questioned by the average person on the street who knows all the relevant facts of a case.'" *United States v. Dehghani*, 550 F.3d 716, 721 (8th Cir. 2008) (citation omitted). "A party introducing a motion to recuse carries a heavy burden of proof; a judge is presumed to be impartial and the party seeking disqualification bears the substantial burden of proving otherwise." *Pope v. Fed. Express Corp.*, 974 F.2d 982, 985 (8th Cir. 1992).

Plaintiff brings no proof whatsoever to merit recusal in this case. Plaintiff's Motion reveals he mainly seeks recusal because of adverse rulings, but this is no basis for recusal. *Lefkowitz v. Citi-Equity Group, Inc.*, 146 F.3d 609, 611-12 (8th Cir. 1998).

I took a sacred oath to administer justice without respect to persons, giving equal right to the poor and to the rich, and swore to faithfully and impartially discharge and perform the duties of United States Magistrate Judge under the Constitution and laws of the United States. This Court will faithfully and impartially make decisions based on the law and facts. If Plaintiff believes this Court's decisions were incorrect, his remedy is appealing to the presiding District Judge or United States Court of Appeals for the Eighth Circuit, not filing a recusal motion.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion (Doc. No. 151) is DENIED.

DATED this 20th day of January 2022.



JOE J. VOLPE
UNITED STATES MAGISTRATE JUDGE